REMARKS

Claims 1 and 12 have been amended to obviate the rejection under 35 U.S.C. §112, ¶ 2 to claims 1, 12 and 15. The "data" referred to in claims 1 and 12 is weather data. The "store" referred in claim 1 is a storage device. And step (e) has been identified in claim 12 to make clear that the further step identifying claim 15 is step (f).

The Examiner has rejected claims 1, 2, 4, 6-15 and 17 under the doctrine of obviousness-type double patenting over claims 1, 2, 6-17 and 20 of U.S. Patent No. 6,076,740 in view of U.S. Patent No. 5,717,589 to Thompson et al. The rejection acknowledges that U.S. Patent No. 6,076,740 fails to teach the use of radar to scan rainfall.

What is overlooked by the rejection is that Thompson claims a computer based method of **predicting** the expected future path of movement of a weather cell. Thompson obtains information from at least fifteen sources and performs calculations which provide a **prediction** as to the likely movement of the weather cell. One of the sources of information is radar. By contrast, the presently claimed subject matter utilizes radar to sense actual rainfall data over a pre-determined area, and uses this information to calculate the moisture content value to enable regulation of the irrigation needs of a pre-determined sub-area. There is no disclosure or suggestion in Thompson of using radar sourced information to calculate moisture content values to enable control of irrigation within a particular sub-area. Indeed, the predictive nature of the Thompson use of radar teaches away from obtaining measurements corresponding to actual rainfall data as in the present claimed subject matter. Therefore, the double patenting rejection is transversed.

Claims 1-17 are also rejected under 35 U.S.C. § 103(a) as being unpatentable over Evelyn-Veere US Patent No. 5,023,787 in view of Thompson et al. Applicant assumes that the Examiner has mistakenly referred to "Townsend" rather than to Evelyn-Veere in the second full line of the second paragraph of line four of the Office Action. Applicant responds accordingly.

Evelyn-Veere teaches a method of controlling an irrigation control system in accordance with available pump capacity and low-flow restraints which are distinctly different from the presently claimed subject matter. In particular, Evelyn-Veere is directed to minimizing flow limitations in a water delivery network for regulating pump operation. Evelyn-Veere does not disclose or suggest that collecting of weather data or calculation of irrigation needs from such data is useful. Further, there is no disclosure or suggestion in Evelyn-Veere, or in Thompson, to utilize the mechanical/flow rate system described in

Evelyn-Veere to create a dynamic flow control of irrigation based on measured and calculated needs as in the presently claimed subject matter.

Applicant also notes that the further limitations found in his claims 2, 7-9, 13, 15 and 17 are not disclosed or suggested in Evelyn-Veere. "Initiating/granting or preventing/denying" are not, applicant submits, proper characterizations of the features of these claims. More particularly, the features of the claims 2, 7-9, 13, 15, and 17 are not disclosed or even suggested in col. 2, ll. 43-53 or col. 4, ll. 5 et seq. in Evelyn-Veere. Nor are the features of claims 1 and 5 of the presently claimed subject matter disclosed by figures 1 and 3 of Evelyn-Veere. Further the features of claims 4 and 17 of the presently claimed subject matter are not disclosed or suggested by Thompson et al for the reasons given above.

Applicant respectfully submits that the present claims, as amended, are in condition for allowance and that the application should be passed to issue. Applicant respectfully requests that if the Examiner has further questions after review of the present amendment, that the Examiner telephone applicant's counsel, Arland T. Stein at (317) 231-7390, to resolve those questions.

Respectfully,

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